CITY OF VANCOUVER
PLANNING DEPARTMENT

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REPORTS TO COUNCIL

SUBJECT: CONDITIONAL APPROVAL USES IN NEW INDUSTRIAL ZONING

DATE: FEBRUARY 5, 1987

COMMITTEE ACTION:

At its meeting of January 15, 1987, the Standing Committee of Council on Finance and Priorities endorsed the general direction of the proposed modifications to new industrial zoning recommended by the Director of Planning. However, concerns were expressed regarding the number and nature of conditional approval uses contained in the proposed industrial zoning schedules (I-1, I-2, and IC-1 and IC-2). It was felt as many uses as possible should be outright, and that conditional uses should be minimized, and the Committee requested the Director of Planning report back in this regard. Accordingly, the Committee had for consideration a City Manager's report dated February 5, 1987, in which the Director of Planning clarifies proposed conditional uses and identifies some modifications with respect to the Committee's concerns.

The City's Zoning and Development By-law permits outright approval uses and conditional approval uses; a definition is provided. Because increased clarity and certainty were among the principles which guided the development of new industrial zoning, the proposed I-1 and I-2 schedules have far fewer conditional uses than the existing M-1 and M-2 schedules, and also have a greater number of outright approval "industrial" uses. However, the "I" schedules still permit a number of non-industrial uses for which conditional status is proposed as a means of avoiding potential incompatibility with industrial use. The industrial uses proposed as conditional in the "I" schedules are uses it is believed the City would not be prepared to accommodate in those districts without adequate safeguards against potential negative impacts (heavy-impact industrial uses are depicted in an appendix to the report).

The report identifies alternatives for dealing with conditional uses, analyzing them relative to the intent of the various proposed schedules. Conditional uses have been reviewed, and ways sought of reducing their number, and as a result, the Planning Department is prepared to recommend that one-third of these uses be listed as outright uses. However, the Department cannot recommend that heavy-impact uses be listed as outright uses, but recommends instead that they be retained as conditional uses.

In some detail, the report describes modifications proposed for manufacturing uses, transportation and storage uses, utility and communication uses, and service commercial uses. In summary, the overall effect of the proposed modifications is to further cut back on the total number of conditional uses and to in-

crease the number of outright approval uses by approximately one-third in the "I" schedules.

While actual modifications have not yet been made to the I-1 and I-2 schedules, the IC-1 and IC-2 Districts Schedules has been revised. With the assistance of Legal Services, it can now be prepared for Public Hearing for the South of Granville Island area as was previously approved by Council on January 27, 1987. The Draft Schedule is attached as Appendix A.

The Associate Director of Planning, Zoning Division, and Mr. Phil Mondor, Industrial Planner, reviewed the report for the Committee, stressing that while the Committee's concern to reduce the number of conditional uses is appreciated, it should be noted there are areas where these uses would not be appropriate. Some two to three years ago, there were numerous conditional uses in industrial schedules, and it was a clear message of the industrial community that it would prefer reduced discretion. Efforts had already been made to rethink the ratio of conditional uses; however, problems include non-conforming uses, new technology lessening negative impacts, and other factors. Changes now proposed to the schedules were reviewed, and it was noted that these are model schedules which may well be modified further as the City proceeds through industrial rezoning of specific areas.

Following queries regarding the specifics of changes to the proposed schedules, the Committee indicated it felt its concerns had been adequately met, and recommended that Council approve the proposed revisions of the model industrial zoning schedules as described in the City Manager's report dated February 5, 1987, such schedules endorsed at its meeting of January 27, 1987.

CITY COUNCIL ACTION:

Vancouver City Council, at its meeting on February 24, 1987, approved the recommendations contained in the report, dated February 12, 1987.

OTHER:

SUPPORTS ITEM NO. 4
FINANCE & PRIORITIES AGENDA
FEBRUARY 12, 1987

MANAGER'S REPORT

DATE: February 5, 1987

TO: Standing Committee of Council on Finance and Priorities

SUBJECT: Conditional Approval Uses in New Industrial Zoning

CLASSIFICATION: RECOMMENDATION

The Director of Planning reports as follows:

"PURPOSE

The purpose of this report is to report back on conditional approval uses proposed in the new industrial zoning schedules. The Finance and Priorities Committee raised several questions and concerns about the number and nature of these uses. This report clarifies proposed conditional uses and identifies some modifications that respond to Committee concerns.

BACKGROUND

At its meeting on January 15, 1987, the Finance and Priorities Committee approved several recommendations from the Director of Planning about new industrial zoning. This included endorsement of "the general direction of proposed modifications to new industrial zoning" as described in a report dated October 21, 1986 and as illustrated in the draft schedules attached to that report.

In the Committee's discussion of the proposed new industrial zoning schedules (IC-1 and IC-2, I-1 and I-2), some members expressed reservations about the number and nature of conditional approval uses proposed by the Director of Planning. They were concerned that "discretionary approval" uses generate uncertainty among property owners and developers as to whether a use will be permitted in an area or not. They felt that as many uses as possible should be outright and that conditional uses should be minimized. The Director of Planning suggested a report back on conditional uses and the Committee agreed this would be appropriate.

CONDITIONAL AND OUTRIGHT USES

The City's Zoning and Development By-law permits outright approval uses and conditional approval uses. These two categories differ as follows:

1. Applications for **outright** approval uses **shall** be issued a development permit by the Director of Planning, subject to the provisions of the By-law and the conditions of use and regulations of the applicable zoning schedule.

2. Applications for **conditional** approval uses **may** be approved, subject to By-law provisions, conditions of use and regulations, and also "such other conditions or additional regulations" as the Director of Planning **may** decide, provided that he considers: (a) the intent of the schedule and the applicable recommendations of any advisory group, plan, or guidelines approved by Council; and (b) response from adjacent property owners who shall be notified as he deems necessary.

THE PRESENT PROPOSAL

Increased clarity and certainty were among the principles which guided the development of new industrial zoning. This has involved maximizing the number of outright uses and minimizing the number of conditional uses. The proposed I-1 and I-2 schedules have far fewer conditional uses than the M-1 and M-2. They also have a greater number of outright approval "industrial" uses (industrial uses include manufacturing, transportation and storage, utility and communication, and wholesale). In the I-2 schedule, all manufacturing uses are proposed to be outright.

Overall there are about 25 percent fewer uses in the new I-1 and I-2 schedules than in the existing M-1 and M-2 schedules. This is largely the result of about three dozen non-industrial uses permitted in the "M" schedules but not permitted in the "I" schedules. This implements the City's basic objective to reserve industrial districts more exclusively for industrial use. However, the "I" schedules still permit a number of non-industrial uses. Those proposed to be conditional are uses that have typically located in industrial districts or that would be incompatible with uses in most commercial districts. We had proposed a conditional status for them as a means of avoiding their potential incompatibility with industrial use.

The industrial uses proposed to be conditional in the "I" schedules are uses we believe the City would not be prepared to accommodate in these districts without adequate safeguards against potential negative impacts (all heavy-impact industrial uses are shown in the table attached as Appendix A). We propose them as conditional uses because of indications that some can occasionally, and could increasingly, be developed and operated with no more negative impact than the proposed outright approval industrial uses. We also propose them to accommodate established businesses that would become non-conforming if the new schedules did not permit them. Most of these uses are presently conditional, or not permitted, in the M-1 schedules.

SCOPE FOR MODIFICATIONS

Concerns raised by members of the Committee focused on the number and nature of conditional approval uses in the proposed new industrial schedules. There are basically three ways of dealing with these conditional uses:

- remove them from the schedules;
- make them outright; or
- retain them as conditional uses.

We could not assess these options solely on their own merits but had to consider them relative to the intents of the proposed "I" schedules. The uses permitted by a schedule, their potential impact on surrounding uses, and the manner in which they are permitted by a schedule should be consistent with the intent of the schedule. If not, the schedule's effectiveness will be reduced.

We believe that the three new "I" schedules endorsed by Council appropriately cover the broad spectrum of land uses to be found in Vancouver's industrial areas. Accordingly, in our review of options, we had to keep in mind the intents of these schedules as follows: IC-1 and IC-2 to accommodate a mix of light industrial and commercial uses; I-1 to accommodate light industrial and some compatible commercial uses; and I-2 to accommodate heavy industrial and potentially noxious commercial uses. A further intent of the I-1, IC-1 and IC-2 schedules is that permitted uses should be compatible with one another and with uses in adjoining districts.

PROPOSED MODIFICATIONS

In response to the Committee's concerns, we have reviewed the uses proposed to be conditional and have sought to identify ways of reducing their number. As a result, we are prepared to recommend that one-third of these uses be listed as outright uses. We cannot recommend that the heavy-impact uses be listed as outright uses but recommend instead that they be retained as conditional uses.

The following describes the modifications we propose and identifies some options for the Committee's consideration.

1. <u>Manufacturing Uses</u>

The high-impact manufacturing uses should remain in the I-1, IC-1 and IC-2 schedules as conditional uses or they should be removed from the schedules. We recommend that they remain conditional as originally proposed, for three reasons.

First, these uses should not be permitted outright because the potential negative impacts are incompatible with surrounding low-impact outright uses and with uses in adjoining non-industrial districts. These uses are listed outright in the I-2 schedule because it is intended to accommodate heavy-impact uses.

Second, while the intent of the I-1, IC-1 and IC-2 schedules is to accommodate low-impact uses compatible with adjoining non-industrial districts, flexibility of permitted uses was recommended to us in consultations with industry representatives. High-impact uses may be, and sometimes are, developed in such a way so as to minimize the potential for noxious or harmful effects on surrounding uses or adjoining districts. Rapid and far-reaching technological advances in materials-processing and goods-production make this ever more likely. Since there is no intention to exclude any industrial use that can operate like or compatibly with low-impact industrial uses, flexibility to accommodate such uses is provided by permitting them as conditional uses.

Third, it is desirable to accommodate appropriate uses that would otherwise be non-conforming. Non-conforming uses are uses established under existing zoning that are not permitted by a new zoning for an area. As a consequence, the premises of such uses cannot be reopened and occupied should they be considerably damaged by fire or unoccupied for up to ninety days. The mixed-use character of Vancouver's industrial areas leads us to anticipate many high-impact activities scattered among light industrial uses, and vice versa. Since there is no intention to push out these enterprises, "non-conforming use" status or spot rezoning could be avoided by permitting them as conditional uses.

2. Transportation and Storage Uses

The high-impact transportation and storage uses should remain in the "I" schedules as conditional uses or they should be removed from the schedules. We recommend that they be retained as originally proposed for basically the same reasons as above, with one additional reason.

Virtually all transportation and storage uses generate considerable vehicular movement by truck, rail, air, or water transportation. This has significant impact, both positive and negative, on the city's existing transportation facilities and road systems. Vehicular traffic has the additional impact of noise and other negative environmental effects. However, these uses cannot be excluded from the IC and I-1 districts without undermining their industrial function. Even those that do not serve an industrial purpose (e.g., aircraft landing place or railway station) have activities associated with them that are industrial in nature (e.g., equipment maintenance and storage).

Transportation and storage uses can neither be excluded from light industrial districts nor can they be permitted outright. Features specific to each use and site must be considered in achieving the best accommodation of these uses that is feasible for all concerned. Conditions of use and regulations cannot adequately address unforeseeable circumstances. They also cannot replace consultations with appropriate civic departments, particularly the City Engineer. Conditional approval use status must be recommended for these uses.

3. Utility and Communication

These uses can be made outright uses or be retained in the schedules as conditional uses. We recommend that three out of four utility and communications uses be changed from conditional to outright, but at a maximum floor space ratio of 1.0 instead of 5.0.

These uses were proposed to be conditional to ensure their compatibility with industrial uses. We had a concern about the traffic impacts and nature of the potential quasi-retail operation of postal stations and the office-like operation of telephone exchanges. We agree with the suggestion of some Committee members that a reduced scale of operation for these uses, as already proposed for commercial uses in the IC-1 and IC-2 Districts Schedule, should minimize potential negative impacts. For this purpose we recommend a reduced floor space ratio.

4. Service Commercial

These uses can be made outright uses or be retained in the schedules as conditional uses. We recommend that the commercial uses in the I-1 and I-2 schedules be made outright approval uses but at a maximum floor space ratio of 1.0 instead of 5.0.

This is identical to what is proposed already for about two dozen commercial uses in the IC-1 and IC-2 districts. It represents more loosening up of the industrial intent of the I-1 district than we had intended, but the explicitly reduced scale of development permitted for these uses conveys a clear message that they are not among the uses that the new "I" schedule primarily intends to accommodate. This, along with the proposed removal of retail and office uses permitted in the "M" schedules, should go a long way to curb expectations of commercial development opportunities in industrial districts as we sought to achieve with conditional approval status.

CONCLUSION

To conclude, the overall effect of the modifications we propose here is to further cut back the total number of conditional uses and to increase the number of outright approval uses in the "I" schedules. The I-1 and I-2 schedules would now have only one-third as many conditional uses as the M-1 and M-2, and one-third more outright uses.

While actual modifications have not yet been made to the I-1 and I-2 schedules, the IC-1 and IC-2 Districts Schedule has been revised. With the assistance of Legal Services, it can now be prepared for Public Hearing in the South of Granville Island area as approved by Council on January 27, 1987 (see the draft schedule attached as Appendix B).

RECOMMENDATIONS

The Director of Planning recommends:

> THAT Council approve the proposed revisions to the model industrial zoning schedules as described in this report, such schedules endorsed at its meeting of January 27, 1987."

The City Manager RECOMMENDS that the recommendation of the Director of Planning be approved.

POTENTIAL NEGATIVE IMPACTS OF HIGH-IMPACT INDUSTRIAL USES.

HIGH-IMPACT INDUSTRIAL USES	Processed Industrial Zoning District Schedules*			Potential Negative Impacts**													
	IC-1	I-1	I-2	OBJECTIONABLE ODORS	TOXIC FUMES & VAPOURS	FLAMMABLE	AIR POLLUTION, DUST, ASH	LIQUID WASTES	NOISE VIBRATION	WATER USAGE	FIRE & EXPLOSION HAZARDS	HEAT	GLARE	SOIL POLLUTION	TRAFFIC & OTHER NUISANCE	RADIOACTIVE EMISSIONS	SOLID & WATER WASTES
MANUFACTURING																	
Animal Products		C	D	D				D			D						
Chemicals or Chemical Products - Class A	C	C	D	D			D	D	D	D	D						
Food or Beverages - Class A	C	C	D	D			D	D	D	D	D						D
Linoleum or Coated Fabrics	C	C	D	D	D			D			D						
Machinery or Equipment	C	C	D												D		
Metal or Primary Metal Products			D	D	D	D	D	D		D	D	D	D		D		D
Miscellaneous Products - Class A	C	C	D												D		
Motor Vehicle Parts	C	C	D												D		
Non-metallic Mineral Products	C	C	D	D	D	D	D	D	D		D	D			D	D	D
Petroleum or Coal Products			D	D	D		D	D		D	D	D	D			D	D
Primary Wood Products			D	D	D	D				D	D				D	D	D
Pulp or Primary Paper Products			D	D	D			D	D	D	D					D	D
Rubber	C	C	D	D	D		D	D			D						
Secondary Metal Products	C	C	D												D		
Textiles or Knit Goods	C	C	D												D		
Transportation Equipment	C	C	D												D		
Vegetable Oil	C	C	D					D	D	D	D						
TRANSPORTATION AND STORAGE																	
Aircraft Landing Place			C										D		D	D	
Boating Ground			C														D
Grain Elevator			C				D				D						D
Marine Terminal or Berth			C												D	D	D
Pipeline			C											D			
Railway or Transit Guideway		C	C												D	D	D
Railway Station or Rail Yard			C												D	D	D
Stockyard			C	D			D								D	D	D
Storage Yard	C	C															D
Taxicab or Limousine Station	C	C													D	D	
Transit or Bus Station		C	D										D		D	D	
Truck Terminal or Courier Depot		C	D												D	D	
Weighing or Inspection Station		C	D												D	D	
Works Yard or Works Shop		C	C												D	D	D
UTILITY AND COMMUNICATION																	
Utility	C	C	C													D	D
Waste Disposal Facility			C	D				D			D				D	D	D
WHOLESALE																	
Bulk Fuel Depot			C	D							D				D	D	
Cardlock Fuel Station	C	C	D	D											D	D	
Junk Yard or Junk Shop			C				D				D			D	D		D

* "D" indicates a use permitted as an outright use and "C" indicates a use permitted as a conditional use.

** Source: Developable Industrial Land Use and Development, Report No. 5, dated September 13, 1983 on file in City Clerk's Office and in Planning Department.

DRAFT IC-1 and IC-2 DISTRICTS SCHEDULE

1 INTENT

The primary intent of this Schedule is to permit light industrial uses that are generally compatible with one another and with adjoining residential or commercial districts. It is also the intent to permit advanced technology industry, industry with a significant amount of research and development activity, and commercial uses compatible with and complementing light industrial uses.

The intent of additional regulations in the IC-2 district is to achieve a form of development compatible with the function and character of abutting major streets.

2 OUTRIGHT APPROVAL USES

2.1 Subject to all other provisions of this By-law, including the additional regulations in section 11.3 of this By-law, and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

2.2.A
* Accessory Uses customarily ancillary to any of the uses listed in this section provided that, unless permitted as an outright approval use pursuant to section 2.2 of this Schedule, the total floor area of all accessory uses shall not be greater than 25 percent of the gross floor area of the principal and accessory uses combined.

* Ambulance Headquarters or Station.

* Animal Hospital.

* Appliance Repair Shop.

* Automotive Repair Shop.

2.2.C
* Cleaning or Janitorial Service.

2.2.G
* Gasoline Station - Full-service, subject to the provisions of section 11.10 of this By-law.

2.2.L
* Laboratory.

* Laundry or Cleaning Plant.

* **Lithography or Print Shop.**

2.2.M * **Machinery, Industrial Equipment or Tools; rental of.**

* **Motion Picture or Television Studio.**

* **Motor Vehicle Sales Lot, subject also to the provisions of sections 4.7 and 4.9 of the Parking By-law.**

* **Motor Vehicles and Parts; retailing of, but not including motor vehicles sales lot.**

2.2.MN [Manufacturing]

* Bakery Products Manufacturing.

* Batteries Manufacturing.

* Chemicals or Chemical Products Manufacturing - Class B.

* Clothing Manufacturing.

* Dairy Products Manufacturing.

* Electrical or Electronic Products Manufacturing.

* Electrical and Non-electrical Appliances Manufacturing.

* Food or Beverages Manufacturing - Class B.

* Furniture or Fixtures Manufacturing.

* Ice Manufacturing.

* Jewellery Manufacturing.

* Leather Products Manufacturing.

* Miscellaneous Products Manufacturing - Class B.

* Non-metallic Mineral Products Manufacturing - Class B.

* Plastic Products Manufacturing.

* Printing or Publishing.

* Rubber Products Manufacturing.

* Secondary Paper Products Manufacturing.

* Secondary Wood Products Manufacturing.

* Shoes or Boots Manufacturing.

* Tobacco Products Manufacturing.

2.2.O * Office.

2.2.P * Photofinishing.

* Photography Studio.

2.2.R * Recording Studio.

* Restaurant, provided that total floor area does not exceed 700 square feet.

* Retail Store - Class A, but not including a department store or a supermarket.

* Retail Store - Class B.

2.2.S * School (Business, professional, vocational or trade).

* School or Academy for the teaching of drama, music, art, dance, meditation, self-defence, self-improvement, and similar arts.

* Shoe Repair Shop.

* Sign and Showcard Shop.

2.2.T * Taxidermy Shop.

* Tire Shop.

2.2.TS [Transportation and Storage]

* Cold Storage Plant.

* Packaging Plant.

* Storage Warehouse.

2.2.UC [Utility and Communication]

* Broadcasting or Receiving Station.

* Postal Station.

* Telephone Exchange.

2.2.W * Welding.

2.2.WH [Wholesale]

* Lumber and Building Materials Establishment.

* Wholesaling - Class A.

* Wholesaling - Class B.

2.3 Conditions of Use

2.3.1 All uses listed in section 2.2 of this Schedule, except a gasoline station - full-service and a motor vehicle sales lot, shall be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating and mechanical equipment, or other facilities or equipment which in the opinion of the Director of Planning are similar to the foregoing.

2.3.2 No use listed in section 2.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; rags or cotton waste; and, except for a gasoline station - full-service, compressed gas, petroleum, coal or tar products or derivatives.

3 CONDITIONAL APPROVAL USES

3.1 Subject to all other provisions of this By-law, including the additional regulations in section 11.3 of this By-law, and to compliance with the regulations of this Schedule, the Director of Planning may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such other conditions or additional regulations as he may decide, provided that such conditions or regulations are based on the following considerations:

(a) the intent of this Schedule and the applicable recommendations of any advisory group, plan, or guidelines approved by Council; and

(b) response from adjacent property owners and tenants who shall be notified as the Director of Planning deems necessary.

3.2 Uses

3.2.A. * Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.A of this Schedule.

* Accessory Uses customarily ancillary to any of the uses listed in this Schedule, other than as provided for in section 2.2.A of this Schedule.

3.2.DW [Dwelling]

* Dwelling Unit for a caretaker, watchman or other person or persons similarly employed, if such dwelling unit is considered to be essential to the operation of the establishment.

3.2.MN [Manufacturing]

* Chemicals or Chemical Products Manufacturing - Class A.

* Food or Beverages Manufacturing - Class A.

* Linoleum or Coated Fabrics Manufacturing.

* Machinery or Equipment Manufacturing.

* Miscellaneous Products Manufacturing - Class A.

* Motor Vehicle Parts Manufacturing.

* Non-metallic Mineral Products Manufacturing - Class A.

* Rubber Manufacturing.

* Secondary Metal Products Manufacturing.

* Textiles or Knit Goods Manufacturing.

* Transportation Equipment Manufacturing.

* Vegetable Oil Manufacturing.

3.2.P * Public Authority Building or Use.

3.2.PK * Parking Use, subject to the provisions of sections 4.7 and 4.9 of the Parking By-law.

3.2.TS [Transportation and Storage]

* Railway or Transit Guideway.

* Storage Yard.

* Taxicab or Limousine Station.

* Transit or Bus Station.

* Truck Terminal or Courier Depot.

* Weighing or Inspection Station.

* Works Yard or Works Shop.

3.2.UC [Utility and Communication]

* Utility.

3.2.WH [Wholesale]

* Cardlock Fuel Station.

3.2.Z * Any other use which is not specifically listed in this or any other District Schedule of this By-law but which the Development Permit Board considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

* Any use which is listed in section 2.2 of this Schedule but which does not comply with the provisions of Section 2.3.1.

3.3 Conditions of Use

3.3.1 No use listed in section 3.2 of this Schedule shall be carried on other than within a wholly enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts.

3.3.2 No use listed in section 3.2 of this Schedule shall involve the bulk storage, pending ultimate distribution off site, of explosives, fireworks, ammunition, matches, or flares; radioactive material; rags or cotton waste; and, except for a cardlock fuel station, compressed gas, petroleum, coal or tar products or derivatives.

3.3.3 No use listed in section 3.2 of this Schedule shall involve the storage, other than within a wholly enclosed building, of toxic or corrosive chemicals or acids; scrap; fungicides, herbicides or pesticides; paint, varnish, oil shellac or turpentine; grain, hops, or sugar; fish, fish oil or meal, animal oil or fat, or vegetable oil.

3.3.4 No use listed in section 3.2 of this Schedule shall involve the storage of goods or materials other than within a wholly enclosed building unless the yard or portion of the yard containing the goods or materials is enclosed by a suitable fence or wall restricting public access.

4 REGULATIONS

All uses approved under sections 2 and 3 of this Schedule shall be subject to the following regulations:

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 60 feet.

4.3.2 For any building or part of a building situated in the IC-2 District, a maximum building envelope shall apply, as follows:

(a) no portion of the building shall extend above an envelope formed by a vertical line measuring 40 feet in height at the street boundary line and a plane formed by an angle of 45 degrees measured from the horizontal and having its vertex at the maximum building height permitted at the street boundary line;

(b) in the case of a corner site, the provisions of section 4.3.2(a) shall apply at both street boundary lines.

4.4 Front Yard

4.4.1 No front yard shall be required.

4.5 Side Yards

4.5.1 No side yard shall be required, except where the site adjoins, without the intervention of a lane, a site located in an R District, in which case a side yard with a minimum width of 5 feet shall be provided adjoining the R District.

4.5.2 Where a side yard is provided, although not required, a side yard with a minimum width of 3 feet shall be provided.

4.6 Rear Yard

4.6.1 A rear yard with a minimum depth of 10 feet shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre of the lane.

4.6.2 The Director of Planning may permit a development which does not comply with section 4.6.1 where he is satisfied, with advice from the City Engineer as he deems appropriate, that the site is located within an area where rear access to the site and adjacent sites is not likely to be required.

4.7 Floor Space Ratio

4.7.1 The floor space ratio shall not exceed 3.0, subject to the following:

(a) the maximum floor space ratio shall be 1.0 for all uses other than manufacturing use, transportation and storage use, and Wholesaling - Class A; and

(b) the maximum floor space ratio for office use may be increased to 1.5 for any office use ancillary to manufacturing, provided that the principal use or uses only includes manufacturing and provided that the total floor area of all accessory uses shall not be greater than 50 percent of the gross floor area of all principal and accessory uses combined.

4.7.2 The following shall be included in the computation of floor space ratio:

(a) all floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the building.

4.7.3 The following shall be excluded in the computation of floor space ratio:

(a) not applicable; [Balconies, canopies, sundecks]

(b) not applicable; [Patios, roof gardens]

(c) where floors are used for off-street parking and loading, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, provided that the off-street parking spaces do not have a length of more than 24 feet for the purpose of exclusion from floor space ratio computation.

4.8 Site Coverage -- Not Applicable.

4.9 [Reserved. See Parking By-law]

4.10 Horizontal Angle of Daylight -- Not Applicable.

4.11 Vertical Angle of Daylight -- Not Applicable.

4.12 Dedication of Land for Lane Development -- Not Applicable.

4.13 Area of Transparent Surface -- Not Applicable.

4.14 Access -- Not Applicable.

4.15 Acoustics -- Not Applicable.

4.16 Building Depth -- Not Applicable.

4.17 External Design [Applicable in the IC-2 District only]

4.17.1 In the IC-2 District, a building facade shall be characterized by the following:

(a) for the portion of a building not exceeding 40 feet in height, window area in transparent glazing shall comprise at least 40 percent of the exterior wall surface of a facade along any abutting street;

(b) where a front yard, side yards, or rear yard is provided, although not required, building continuity along abutting streets shall be achieved to the satisfaction of the Director of Planning;

(c) where a building occupies a corner site, the main building entrance, architectural features, lighting, signage, and related facade characteristics shall be used to orient a building to the widest abutting street; and

(d) any proposals varying from the above, to the satisfaction of the Director of Planning.

4.17.2 In the IC-2 District, the first storey of a building shall be characterized by the following:

(a) no portion of the floor of the first storey along any abutting street shall be more than 3 feet above or below the street grade at the street boundary line;

(b) the first storey shall provide a pedestrian entrance, the main building lobby or reception area, and showroom or display area;

(c) window area in transparent glazing shall compromise at least 60 percent of the exterior wall surface of the first storey along any abutting street; and

(d) any proposals varying from the above, to the satisfaction of the Director of Planning.

4.17.3 In the IC-2 District, all buildings shall comply with the following requirements:

(a) garbage container storage areas shall be enclosed or screened so as not to be visible from any abutting street; and

(b) heating and mechanical equipment shall be enclosed within the building, set back on the roof, or screened so as not to be visible from any abutting street.

4.17.4 In the IC-2 District, any use which is not carried on wholly within a completely enclosed building, including parking use, except a gasoline station - full-service, shall comply with the following requirements:

(a) the use, or any outdoor facilities or equipment associated with any use, shall be set back 4 feet from the street boundary line at any abutting street;

(b) the use, or any outdoor facilities or equipment associated with any use, shall be screened, so as not to be visible from any abutting street, by evergreen planting, wall, or fence and related landscaping to the satisfaction of the Director of Planning; and

(c) any proposals varying from the above, to the satisfaction of the Director of Planning.